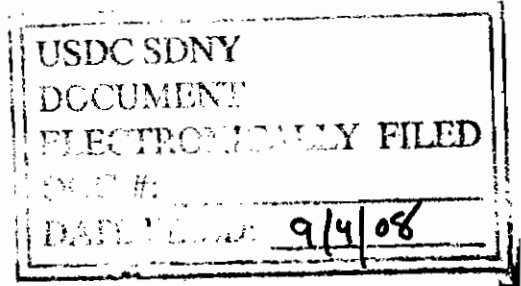


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----x
ERIC TOLLIVER, :
 :
Plaintiff, :
 :
- against - :
 :
NEW YORK STATE DEPARTMENT OF :
CORRECTIONAL SERVICES et al., :
 :
Defendants. :
 :
-----x

ORDER

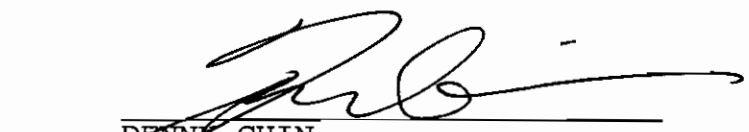
08 Civ. 4561 (DC)

CHIN, District Judge

By motion dated August 26, 2008, plaintiff Eric Tolliver requests assignment of counsel. Based on an initial review of the complaint and considering the factors governing appointment of counsel set forth in Hodge v. Police Officers, 802 F.2d 58, 61-62 (2d Cir. 1986), the Court determines that plaintiff's position is unlikely to be of substance and therefore his request is denied. See Hendricks v. Coughlin, 114 F.3d 390, 394 (2d Cir. 1997).

SO ORDERED.

Dated: New York, New York
September 4, 2008


DENNY CHIN
United States District Judge